

REMARKS

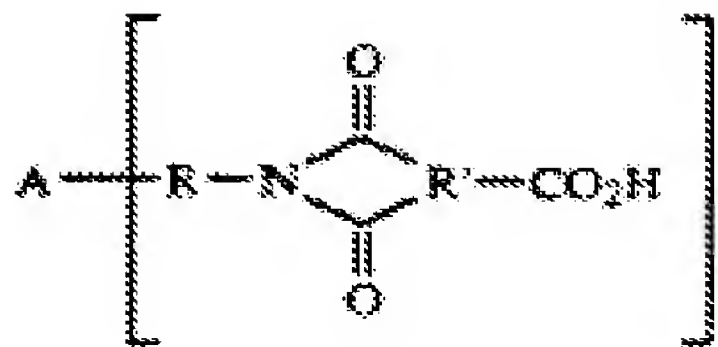
This Submission is being filed concurrent with a Request for Continued Examination. Claims 6, 8-10, 13, 14, and 19-22 have been amended. In addition, withdrawn claims 2-5, 7, 11, 12, 15-17, 23, and 26-29 have been amended. All amendments are to correct typographical errors. No new matter has been added.

Claims 1, 6, 8-10, 13, 18-22, 24, and 30 stand rejected as allegedly obvious under 35 U.S.C. § 103 over U.S. Patent No. 5,093,382 (“the 382 patent”) and U.S. Patent No. 5,128,441 (“the 441 patent”). The Applicant disagrees and requests withdrawal of the rejection.

The present invention is directed to, *inter alia*, curable compositions comprising at least one polycarboxy-functionalized prepolymer wherein the polycarboxy-functionalized prepolymer *does not* contain imide groups. The present rejection is based on the premise that “[n]owhere in the descriptions of the reaction product of a polyoxyalkylene polyamine and a polycarboxylic acid anhydride such as trimellitic anhydride” in the 382 patent and 441 patent “is there any indication that imide groups are formed” (Action at 3). This premise is incorrect.

For example, the Office has identified the 382 patent, specifically Product F (col. 15, lines 43-44), as the closest prior art, stating that “[t]here is no empirical evidence of record that the reaction product shown in Product F . . . contains any imide groups.” But Product F is prepared from JEFFAMINE D-2000 diamine and trimellitic anhydride. 382 patent at col. 15, line 43-44. As expressly set forth in the 382 patent, the reaction of trimellitic anhydride with a polyoxyalkylene polyamine will produce an imide:

When a tri or higher carboxylic acid (or derivative) where at least two carboxylate groups are on adjacent carbons (such as *trimellitic anhydride*) [are] reacted to a polyoxyalkylene polyamine to provide the polyoxyalkylene derivative of a polycarboxylic acid, the possibility of [imide] formation is possible. Such a compound can be depicted by the formula wherein A, X, R, and R' have the meaning given above in formula I.



382 patent at col. 14, lines 20-35 (emphasis added; although “imide” is misspelled in the patent, the chemical formula clearly indicates imide formation).

With respect to the 441 patent, it does *not* describe the use of trimellitic anhydride as a reactant; only dicarboxylic acids are described. *See, e.g.*, 441 patent at col. 5, lines 7-14, col. 5, line 66-col. 6, lines 1-34. Therefore, the 441 patent is not instructive regarding imide formation as it pertains to the present invention.

In contrast to the cited art, the present invention *expressly excludes* the formation of imides. Accordingly, a *prima facie* case of obviousness has not been established and the Applicant respectfully requests withdrawal of the rejection.

In further support of the imide formation present in Product F of the 382 patent, the Applicant submits herewith a Supplemental Declaration. As set forth and explained in the Supplemental Declaration and accompanying Exhibits, Product F contains imides. *See* Supplemental Declaration of Rainer Schoenfeld and Exhibits A-D.

The Applicant asserts that the foregoing represents a *bona fide* response to the pending Office Action and that the pending claims are in condition for allowance. As such, an early Notice to that effect is earnestly solicited.

Date: November 20, 2007

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